

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIAM SWIDERSKI

Plaintiff,

vs.

Case No. 20-1342

UNITED STATES OF AMERICA,

Defendant.

COMPLAINT

NOW COMES the Plaintiff, William Swiderski, by and through his attorneys, Howerton, Dorris, Stone & Lambert, and for his Complaint against the United States of America, states:

VENUE

The incident about which this Complaint relates took place at the Marion Illinois Veterans Administration Hospital, a facility located in Williamson County, State of Illinois, within the confines of the United States District Court for the Southern District of Illinois.

JURISDICTION

This claim is brought pursuant to the Federal Tort Claims Act 28 USCS Section 2671 et. sec.

CAUSE OF ACTION

1. William Swiderski is a United States Veteran.
2. On January 11, 2019, William Swiderski was walking toward the entrance of the Marion Illinois Veterans Administration Hospital.

3. Prior to January 11, 2019, a defect existed between two slabs of concrete forming a lip that resulted in a tripping hazard for persons walking toward the entrance of the Marion Illinois Veterans Administration Hospital.

4. As William Swiderski was walking into the V.A. facility, he caught his toe on the lip herein described, fell, and sustained severe head wounds as well as injuries to his left arm and left shoulder.

5. Prior to January 11, 2019, other persons had also tripped at the same location due to the mis-joined slabs of concrete.

6. Prior to January 11, 2019, agents and employees of the Veterans Administration knew of the hazard described herein.

7. The United States of America, by and through its agents and employees within the Veterans Administration and other agencies in charge of the construction and/or maintenance of the grounds at the Marion V.A., had a duty to veterans and other visiting patrons to have sidewalks free of defects, which are otherwise dangerous due to a tripping hazard.

8. Agents and employees of the Federal Government associated with the Marion V.A. were negligent in maintaining the sidewalk herein described in a safe manner in that:

- a. They knew the sidewalk was mis-joined and was a tripping hazard but did nothing to barricade it;
- b. They knew the sidewalk was mis-joined and was a tripping hazard but did nothing to remedy it;
- c. They knew the sidewalk was mis-joined and was a tripping hazard but did nothing to warn patrons of the tripping hazard.

9. As a direct and proximate result of these negligent acts and omissions to act, William Swiderski was injured as described herein.

10. In accordance with Federal Law, William Swiderski sent a Form 95 on or around February 5, 2019 to the Veterans Administration, a copy of which is attached hereto as an exhibit, but neither he nor Mr. Swiderski's representatives ever had a response from the government.

WHEREFORE your Plaintiff prays for judgment against the United States of America plus cost of suit.

HOWERTON, DORRIS, STONE & LAMBERT

By: 

Stephen W. Stone, #6204573

sstone@hdsllawfirm.com

Attorneys for Plaintiff

Howerton, Dorris, Stone & Lambert
300 West Main Street
Marion, IL 62959
Phone: 618-993-2616
Fax: 618-997-1845